IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22098 of 1999

Dated: 24th July, 2006

Between:

Nallamilli Suryanarayana Reddy & others.

.. Petitioners

and

The Superintending Engineer,
Irrigation Circle, Dowleswaram,
East Godavari district & others.

.. Respondents

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ORDER:

The case of the petitioners is that they are the owners of the lands in Survey Nos.37 and 13-1 of Lolla village, Athreyapuram mandal, East Godvari district. The irrigation canal of Godavari River is flowing abutting their lands and the canal bund of the said canal which is known as Amalapuram canal is the boundary to their fields. They

have planted 45 coconut trees abutting their lands on the side of the canal bund and grown them with utmost care by giving necessary manures and pesticides. All the 45 coconut trees are 15 years old and they have been enjoying the usufruct thereof right from the beginning and they have been in possession and enjoyment of the said trees. While so, the subordinates of the first respondent at the instance of local politicians threatening the petitioners not to take the usufruct of the coconut trees as the coconut trees come under tank bund area. Hence the writ petition.

This Court, while admitting the writ petition on 22.12.1999, directed the respondents and their subordinates not to interfere with the enjoyment of the usufruct of the coconut trees planted by the petitioners adjacent to their lands on the left bank of Amalapuram canal in kms.14/0 to 14/4 kms. at the village limits of Lolla, Atreyapuram mandal, East Godavari district pending disposal of the writ petition.

In the facts and circumstances of the case, I deem it appropriate that the interim order passed in W.P.M.P.No.27663 of 1999 dated 22.12.1999 be treated as final orders in the writ petition and the

writ petition is disposed of as such. However, this will not preclude the authorities from taking appropriate action as per law after putting the petitioner on notice and hearing him personally, if necessary. There shall be no order as to costs.

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C.V.RAMULU,
J

Date: 24.7.2006

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24.7.2006